

Exhibit 5

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST)
ATTACKS ON) 03-MDL-1570
SEPTEMBER 11, 2001) (GBD)(SN)
_____)

WEDNESDAY, JANUARY 13, 2021

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Remote videotaped deposition of
Abdul Aziz Abdul Kareem al-Anqari, held
remotely at the location of the witness in
Riyadh, Saudi Arabia, commencing at 7:07 a.m.
Eastern Time, on the above date, before
Carrie A. Campbell, Registered Diplomate
Reporter, Certified Realtime Reporter.

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|---|---|
| <p>1 Assistant Minister of Defence?</p> <p>2 A. Explain the secondment, yes,</p> <p>3 unless the president is -- has -- had a</p> <p>4 mandate to do such a thing.</p> <p>5 Q. And are you aware that for</p> <p>6 Mr. Bayoumi, that the assistant secretary --</p> <p>7 Minister of Defense approved the secondment</p> <p>8 of Mr. Bayoumi?</p> <p>9 A. I don't recall -- I don't</p> <p>10 remember that thing.</p> <p>11 (Anqari Exhibit 373 marked for</p> <p>12 identification.)</p> <p>13 QUESTIONS BY MR. POUNIAN:</p> <p>14 Q. If we could show the witness</p> <p>15 KSA1028 and mark that as the next exhibit.</p> <p>16 A. Okay. What's the question?</p> <p>17 Q. Yes, sir. Can you recognize</p> <p>18 this from the Deputy Minister of Defense Fahd</p> <p>19 bin Abdullah?</p> <p>20 It's from the person --</p> <p>21 A. Like I indicated before, I am</p> <p>22 not the one who had the right to make a</p> <p>23 decision -- make decisions, but this is</p> <p>24 signed by His Royal Highness, the Assistant</p> <p>25 Defense Minister, and directed to the</p> | <p>1 Mr. Bayoumi was put on the payroll of Dallah</p> <p>2 Avco in 1995?</p> <p>3 MR. NITZ: Objection.</p> <p>4 THE WITNESS: I don't know</p> <p>5 exactly when the secondment took</p> <p>6 place, but once employee leaves the</p> <p>7 authority of the -- of the Civil</p> <p>8 Aviation and goes to a company, his</p> <p>9 salary for the Civil Aviation would be</p> <p>10 stopped. But I don't know exactly</p> <p>11 when this happened.</p> <p>12 QUESTIONS BY MR. POUNIAN:</p> <p>13 Q. And are you familiar with the</p> <p>14 terms of the -- or I'll strike the question.</p> <p>15 Did you know, sir, that under</p> <p>16 the contract, ANSS personnel work for the</p> <p>17 Presidency of Civil Aviation? Did you know</p> <p>18 that, sir?</p> <p>19 A. Both of the -- both departments</p> <p>20 and operation contract provided that</p> <p>21 personnel would be given for the purpose of</p> <p>22 performing the work. But I don't know</p> <p>23 exactly what the number was.</p> <p>24 Q. And those personnel would be</p> <p>25 under the direction of the Presidency of</p> |
| Page 103 | Page 105 |
| <p>1 president of the Civil Aviation Presidency.</p> <p>2 Because he had the authority to</p> <p>3 do so. That's why he send an approval letter</p> <p>4 to His Excellency, the president of Civil</p> <p>5 Aviation. And this is a routine procedure.</p> <p>6 Q. Okay. And it's a required</p> <p>7 procedure that approval be given by the</p> <p>8 Minister of Defense; is that correct?</p> <p>9 MR. SHEN: Objection to form.</p> <p>10 THE WITNESS: Yes, from the</p> <p>11 assistant defense minister according</p> <p>12 to his -- to his chart -- to his</p> <p>13 responsibilities or -- yeah,</p> <p>14 responsibilities.</p> <p>15 QUESTIONS BY MR. POUNIAN:</p> <p>16 Q. And that minister was Fahd bin</p> <p>17 Abdullah, a member of the royal family?</p> <p>18 A. He is the royal highness, the</p> <p>19 prince.</p> <p>20 MR. SHEN: I'm going to object</p> <p>21 to the translation of the document.</p> <p>22 It is assistant minister, not deputy</p> <p>23 minister.</p> <p>24 QUESTIONS BY MR. POUNIAN:</p> <p>25 Q. Now, are you aware, sir, that</p> | <p>1 Civil Aviation personnel?</p> <p>2 A. He would report to the</p> <p>3 Department of Civil Aviation, civil</p> <p>4 navigation, who were in charge of the</p> <p>5 contract.</p> <p>6 Q. And that person was -- the head</p> <p>7 person was Mr. Salmi; am I correct?</p> <p>8 A. At that time we're discussing,</p> <p>9 he was the director general of air</p> <p>10 navigation.</p> <p>11 Q. So he would be the person in</p> <p>12 charge of Mr. Bayoumi during this time when</p> <p>13 he was seconded; is that correct?</p> <p>14 MR. SHEN: Objection. Form.</p> <p>15 THE WITNESS: Supervisor of</p> <p>16 Bayoumi was. I know that he worked</p> <p>17 for air navigation, and air navigation</p> <p>18 was headed by Mohammed Al-Salmi. But</p> <p>19 who his immediate supervisor was, I</p> <p>20 don't know.</p> <p>21 QUESTIONS BY MR. POUNIAN:</p> <p>22 Q. Okay. But Bayoumi may have</p> <p>23 reported to an immediate supervisor, who then</p> <p>24 reported to Mr. Salmi during this period when</p> <p>25 he was seconded; is that correct?</p> |

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Remote videotaped deposition of
Abdul Aziz Abdul Kareem al-Anqari, Volume II,
held remotely at the location of the witness
in Riyadh, Saudi Arabia, commencing at
7:04 a.m. Eastern Time, on the above date,
before Carrie A. Campbell, Registered
Diplomate Reporter, Certified Realtime
Reporter.

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| <p style="text-align: right;">Page 341</p> <p>1 the question.</p> <p>2 MR. SHEN: He answered the</p> <p>3 question already. You're just arguing</p> <p>4 with the witness now.</p> <p>5 MR. HAEFELE: Andy, let's let</p> <p>6 him answer.</p> <p>7 THE WITNESS: I answer this</p> <p>8 question. I don't know if he's still</p> <p>9 with the Civil Aviation. And since I</p> <p>10 left aviation in 2011, I don't know</p> <p>11 anything about the subject in</p> <p>12 substantia or any details what the</p> <p>13 plaintiffs in this case are claiming</p> <p>14 or what the attorneys are saying. I</p> <p>15 don't know about that.</p> <p>16 MR. HAEFELE: I'm not going to</p> <p>17 ask another question, Andy, but let</p> <p>18 the record reflect that he has not</p> <p>19 answered that last question. Because</p> <p>20 nothing about my question was anything</p> <p>21 about whether or not Mr. Bayoumi</p> <p>22 continued to be at the Civil Aviation.</p> <p>23 That was not part of the question.</p> <p>24 And if you want -- if you want</p> <p>25 me to clarify it and have him answer</p> | <p style="text-align: right;">Page 343</p> <p>1 VIDEOGRAPHER: We're going back</p> <p>2 on record. The time is 12:41.</p> <p>3 CROSS-EXAMINATION</p> <p>4 QUESTIONS BY MR. NITZ:</p> <p>5 Q. Hi, Mr. Anqari. My name is</p> <p>6 Eric Nitz. I'm one of the lawyers who</p> <p>7 represents Dallah Avco, one of the defendants</p> <p>8 in this litigation.</p> <p>9 Thank you for taking the time</p> <p>10 to answer our questions. I know it's been</p> <p>11 two long days, and I know it's getting late</p> <p>12 out there in Saudi Arabia right now, so we do</p> <p>13 appreciate you taking the time to answer the</p> <p>14 questions that we have.</p> <p>15 Are you --</p> <p>16 INTERPRETER: Could you,</p> <p>17 Counselor, could you pause for the</p> <p>18 interpreter?</p> <p>19 MR. NITZ: Absolutely. My</p> <p>20 apologies. I'll try to break up my</p> <p>21 questions as well.</p> <p>22 INTERPRETER: Thank you.</p> <p>23 THE WITNESS: Welcome.</p> <p>24 QUESTIONS BY MR. NITZ:</p> <p>25 Q. You testified earlier about the</p> |
| <p style="text-align: right;">Page 342</p> <p>1 it, that's fine, but as it stands on</p> <p>2 the record, he has continued to not</p> <p>3 answer the question twice.</p> <p>4 MR. SHEN: You're passing the</p> <p>5 witness?</p> <p>6 MR. HAEFELE: I'll pass the</p> <p>7 witness back to Mr. Pounian.</p> <p>8 MR. NITZ: Steve, it's getting</p> <p>9 pretty late in Saudi Arabia, and I</p> <p>10 would like to make sure that we have a</p> <p>11 chance to ask any questions that I</p> <p>12 have.</p> <p>13 MR. POUNIAN: I'm not going to</p> <p>14 ask any further questions at this</p> <p>15 time.</p> <p>16 MR. SHEN: All right. Sean,</p> <p>17 are you done?</p> <p>18 MR. CARTER: Yeah, I'm happy to</p> <p>19 defer to Eric.</p> <p>20 Your mic seems pretty bad.</p> <p>21 MR. SHEN: Let's go off the</p> <p>22 record for five minutes.</p> <p>23 VIDEOGRAPHER: Going off</p> <p>24 record. The time is 12:33.</p> <p>25 (Off the record at 12:33 p.m.)</p> | <p style="text-align: right;">Page 344</p> <p>1 air navigation system support for ANSS</p> <p>2 contracts between the Presidency of Civil</p> <p>3 Aviation and Dallah Avco.</p> <p>4 Are you generally aware that</p> <p>5 one of Dallah Avco's responsibilities under</p> <p>6 the contracts was to recruit manpower to</p> <p>7 staff the ANSS project?</p> <p>8 A. Please allow, Mr. Attorney, as</p> <p>9 per the contract name, it says operation and</p> <p>10 maintenance, which would entail recruitment</p> <p>11 of employees by the company to perform the</p> <p>12 work.</p> <p>13 Q. And was one of Dallah Avco's</p> <p>14 other --</p> <p>15 A. But I don't know the details of</p> <p>16 the contract. All I know -- all I know is</p> <p>17 that the contract was subject to general --</p> <p>18 public bidding.</p> <p>19 Dallah Avco was among the</p> <p>20 companies that competed for the contract, and</p> <p>21 they won the contract in an appropriate</p> <p>22 fashion. That's what I know.</p> <p>23 The implementation of the</p> <p>24 contract -- the implementation of the</p> <p>25 contract was to be done with the knowledge of</p> |

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| <p style="text-align: right;">Page 345</p> <p>1 airways, under their supervision. I was not 2 the one supervising the implementation of the 3 contract or savvy with the details thereof. 4 Q. Thank you. 5 I'm going to -- I'd like to 6 mark as Exhibit 392 an excerpt from the 7 contract. The English and Arabic versions 8 will be uploaded to the shared exhibit 9 folder, and I'm going to share for the 10 witness the Arabic version on the screen 11 here. 12 (Anqari Exhibit 392 marked for 13 identification.) 14 QUESTIONS BY MR. NITZ: 15 Q. Exhibit 392 is an excerpt of 16 the contract entitled "Section 4, Scope of 17 Services." The English version is 18 Bates-numbered KSA2185 through KSA2218, and 19 the Arabic, which I've put up on my screen 20 here, is Bates-numbered KSA1927 through 1955. 21 I'm going to show you first 22 Section 4-2-1-2, which in the Arabic version 23 is on KSA1931. And for the lawyers, the 24 English version is at KSA2189. 25 That provision states, "The</p> | <p style="text-align: right;">Page 347</p> <p>1 Dallah, as a contractor, should 2 prepare its technical caters from the 3 beginning, which is something that you'll 4 find in all operation and maintenance 5 contracts. 6 That's why I don't understand 7 what you mean by this paragraph or what's 8 behind -- what you are trying to inquire 9 about. 10 Q. Thank you. 11 Next, I'd like you to take a 12 look at Section 4-2-1-4. It's also on page 13 KSA1931 of the Arabic version. The English 14 version appears at KSA2190. 15 In that section, the contract 16 states that "Contractor personnel shall work 17 side by side with the government Saudi 18 national personnel as a single integrated 19 workforce." 20 Do you know whether contracted 21 personnel, in fact, work side by side with 22 the government Saudi national personnel? 23 A. Let me explain. In the air 24 navigation sector, there is a group of 25 technicians and engineers. Those are</p> |
| <p style="text-align: right;">Page 346</p> <p>1 contractor shall be entirely responsible for 2 all aspects of the recruitment process, 3 subject only to prior government approval of 4 contractor-selected candidates, except that 5 the government may, at its discretion, at any 6 time, direct the contractor to hire any 7 individual or individuals whom the government 8 deems suitable for employment under the 9 contract." 10 Do you know whether that 11 provision accurately describes Dallah Avco's 12 responsibilities under the contract? 13 A. The provision is clear, but 14 these details pertain to the air navigation 15 sector. 16 Q. Do you know whether this 17 provision required the PCA to approve all 18 candidates that were recruited by Dallah 19 Avco? 20 A. As per the first paragraph in 21 the Arabic version, yes, it does. 22 So that attorneys are aware of 23 what's going on, what happens with contracts 24 is, only people qualified with experience and 25 technical knowledge should be recruited.</p> | <p style="text-align: right;">Page 348</p> <p>1 employees who report to Civil Aviation. 2 On the other hand, Dallah's 3 employees, when they perform their 4 maintenance and operation work, they must 5 work side by side with their counterpart or 6 fellow technicians in the airways -- or in 7 the airports. 8 If you look at the paragraph 9 before that, it seems to me that the 10 purpose -- okay. First, it says in number 1 11 that the employees or the recruits be from 12 the -- nationals of the Kingdom of Saudi 13 Arabia or the permanent residents -- they 14 should be from Saudi national -- nationals or 15 the permanent residents in Saudi Arabia. 16 Number 2, they could be from 17 North America or western Europe in order to 18 transfer the knowledge and know-how. 19 Number 3, they should be from 20 the Middle Eastern countries if the above two 21 were not available. 22 Number 4 would be from the 23 Asian countries as technicians, people from 24 the Philippines and so forth. 25 It is clear that they would</p> |

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| <p style="text-align: right;">Page 349</p> <p>1 have to perform those jobs side by side with 2 the counterpart Saudi national employees. So 3 let's suppose that there is a Saudi engineer 4 on the payroll. He would be working 5 side by side with the contractor's employees. 6 I don't know what this 7 gentleman is trying to get to. 8 Q. I'm just simply trying to ask 9 your understanding of the contractual 10 provision. 11 Let's take a look at 12 Section 4-3-3, which is on KSA1946. This 13 provision is entitled "On-the-Job Training 14 and Contractor Plan For Saudization." 15 Are you familiar with the term 16 "Saudization"? 17 A. Yes, I'm familiar with the term 18 "Saudization." 19 Q. What -- 20 A. Allow me to explain, please. 21 This is one of the orientation 22 of the government, and the requirements of 23 the Ministry of Labor is that one of the 24 goals or objectives is to Saudize the jobs, 25 which is a rule followed by all governmental</p> | <p style="text-align: right;">Page 351</p> <p>1 auditing agency. Shura is spelled 2 S-h-o-u-r-a {sic}. 3 And even the Ministry of Civil 4 Service. 5 Q. Thank you. 6 I'd like to look at one more 7 provision within this exhibit. It's 8 Section 4-4-3-2-1. 9 A. Yes. 10 Q. I believe that appears on 11 KSA1947. Let me pull it up. 12 That provision states, "The 13 contractor shall, in providing personnel to 14 perform the service, give priority to 15 qualified Saudi nationals. If at any 16 time" -- 17 INTERPRETER: The interpreter 18 can't hear counsel really at all. 19 MR. NITZ: Is this better? 20 THE WITNESS: Could you enlarge 21 the picture so I can read? 22 QUESTIONS BY MR. NITZ: 23 Q. I can read it again. I'll 24 start from the beginning. This is 25 Section 4-4-3-2-1.</p> |
| <p style="text-align: right;">Page 350</p> <p>1 entities in the contracts and in the works in 2 general. 3 Q. Real quick correction. I 4 misspoke earlier. I believe I said the 5 section was 4-3-3. It's actually 4-4-3. I 6 apologize for that. 7 When you say "Saudize the 8 jobs," what do you mean by that? 9 A. Saudization means to recruit 10 Saudi nationals. 11 Q. Is Saudization an important 12 policy goal for the Kingdom? 13 A. It is in the five-year plan. 14 Q. So that means it's an important 15 goal for the government of Saudi Arabia? 16 A. Yes, it is a very important 17 objective for the government of Saudi Arabia 18 to nationalize the labor market. It's a very 19 important objective. 20 Q. Would it also be an important 21 objective of the PCA? 22 A. It is important for the PCA -- 23 it's important for the PCA and to the 24 entities that observed, that control the work 25 of the PCA, like the Shura Council and the</p> | <p style="text-align: right;">Page 352</p> <p>1 It says, "The contractor shall, 2 in providing personnel services his priority 3 to qualified Saudi Arabian nationals. If at 4 any time the government shall notify the 5 contractor in writing of the availability of 6 a Saudi Arabian national qualified for 7 employment, the contractor shall offer to 8 employ him forthwith." 9 A. The provision is very clear. 10 Q. Could you just let me ask my 11 question, Mr. Anqari? 12 If the PCA directed Dallah Avco 13 to put a particular Saudi national on the 14 ANSS project, would Dallah Avco have any 15 reason to question whether that instruction 16 wasn't appropriate? 17 MS. FLOWERS: Object form. 18 Lack of foundation. 19 THE WITNESS: I will -- no 20 matter how the practical limitation 21 took place, but -- but my -- by virtue 22 of the very text, if a Saudi national 23 was available, he would have priority. 24 QUESTIONS BY MR. NITZ: 25 Q. I'd like to pull up a different</p> |

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| <p>1 excerpt from the ANSS contract. 2 VIDEOGRAPHER: We're going off 3 the record. The time is 1:04. 4 (Off the record at 1:04 p.m.) 5 VIDEOGRAPHER: We're going back 6 on record. The time is 1:14. 7 (Anqari Exhibit 393 marked for 8 identification.) 9 QUESTIONS BY MR. NITZ: 10 Q. All right. I put up what I'd 11 like to have marked as Exhibit 393. This is 12 another section of the ANSS contract. The 13 Bates number is KSA2127 through 2141 for the 14 English version, and the Arabic version is at 15 KSA1878 through 1890. 16 MR. HAEFELE: Hey, Eric, it's 17 Robert Haeefe. Are you marking them 18 as separate exhibits, or are they 19 together, or how are you doing it? 20 MR. NITZ: I've compiled the 21 Arabic and English versions into one 22 PDF and marked it as one exhibit. 23 MR. HAEFELE: Okay. Thanks. 24 MR. NITZ: And the full version 25 should be on the shared exhibit</p> | <p>1 MR. SHEN: Eric, you might -- I 2 think you need to change what's on the 3 screen. 4 MR. NITZ: I'm sorry? 5 MR. SHEN: You need to change 6 what's on your screen because we're 7 still seeing the last one. 8 INTERPRETER: And I apologize, 9 I need two minutes to deal with some 10 issue with the laptop. Just a few 11 minutes, please. Sorry. 12 MR. HAEFELE: Go off the 13 record, I think. 14 VIDEOGRAPHER: Going off the 15 record. The time is 1:17. 16 (Off the record at 1:17 p.m.) 17 VIDEOGRAPHER: We're going back 18 on record. The time is 1:19. 19 QUESTIONS BY MR. NITZ: 20 Q. All right. I have on my screen 21 up in the red box there Article 3-2-1-1, and 22 that's entitled "Entitlement," and it reads, 23 "The contractor should be entitled each month 24 to be paid for the technical and support 25 man-months provided during the preceding</p> |
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| <p>1 folder. 2 Mr. Marwan, do you want to 3 interpret what I've said so far? 4 Should I continue? 5 INTERPRETER: Are we on the 6 record? Actually, I wasn't listening. 7 I just returned, and I didn't know 8 that we were on the record. 9 MR. NITZ: Okay. I can reread 10 it. Not a big deal. 11 QUESTIONS BY MR. NITZ: 12 Q. I put up what I would like to 13 have marked as Exhibit 393. This is another 14 section of the ANSS contract. The Bates 15 number is KSA2127 through 2141 for the 16 English version, and the Arabic version is at 17 KSA1878 through 1890. 18 A. I prefer the Arabic version so 19 I can determine what it means. 20 Q. And I've just put up the Arabic 21 version for Section 3-2-1-1, and this is 22 entitled "Monthly payment, man-month services 23 entitlement." 24 And it reads, "The contractor 25 shall be entitled" --</p> | <p>1 month, at the man-month billing rates 2 prescribed in attachment D, Article 3-7-1 of 3 this Section 3." 4 Mr. Anqari, were you aware that 5 the contractor was entitled to be paid 6 according to the billing rates referenced in 7 this section? 8 A. Let me tell you again that this 9 is the -- one of the provisions of the 10 contract, but I was not the one implementing 11 the contract or savvy with the details. 12 That's what I said. Repeat it. 13 The air navigation would be in charge of 14 implementing that thing. 15 And if you can kindly please 16 enlarge it so I can read it better. 17 What does that provision mean? 18 It clearly means that the contractor is 19 entitled to get paid for the employees that 20 are identified in the contract. 21 So what is the question? 22 Q. Earlier this morning, 23 Mr. Carter asked you whether Dallah Avco 24 passed on to the PCA costs associated with 25 certain technicians to the PCA.</p> |

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| <p style="text-align: right;">Page 357</p> <p>1 You said that if it was 2 provided for by the contract, then yes; if 3 not, then no. 4 My question is: Were you aware 5 of this provision of the contract that we're 6 looking at right now when you answered 7 Mr. Carter's question? 8 A. This is the first time I viewed 9 this. But my question is, what does "give" 10 the Civil Aviation mean? Dallah does not 11 give the Civil Aviation. It gets paid for 12 the employees it appoints to perform the 13 contract. 14 And Civil Aviation would -- and 15 the Civil Aviation would reimburse Dallah for 16 the salaries to perform such jobs by virtue 17 of the provision of this contract. 18 Q. And just to be clear -- 19 A. And this is normal to all 20 contractors. 21 Q. Thank you. 22 (Anqari Exhibit 395 marked for 23 identification.) 24 QUESTIONS BY MR. NITZ: 25 Q. I'd now like to mark as</p> | <p style="text-align: right;">Page 359</p> <p>1 Are these the regulations you 2 would have looked to in order to determine 3 whether the secondment was legally justified? 4 A. I wouldn't be the one looking 5 at -- I wouldn't be the one looking at them. 6 The human resources would be the ones. 7 Could you please enlarge the 8 picture so I can read it? 9 This is the mechanism of 10 secondment as per the civil service bureau. 11 And -- and article 29 says that -- I'm sorry, 12 could I ask the witness to repeat the answer? 13 This is a Civil Service Law. 14 And comes out from that is a detailed list of 15 regulations -- or bylaws, bylaws. 16 For example, the secondment, 17 the bylaws that come out from the law would 18 determine the rules of secondment. And that 19 would contain additional details. 20 At this moment as I'm talking 21 to you now, I do not recall the provisions of 22 the bylaws. I would have given them to you 23 then. I would have read them to you. 24 Q. If we look up at the letter at 25 KSA936 -- I'll put it on the screen now and</p> |
| <p style="text-align: right;">Page 358</p> <p>1 Exhibit 395 a letter and attachment. I'll 2 put it up on the screen. 3 This is a letter dated the 4 first day of the first month 1420, Hijri, 5 corresponding to April 17, 1999, with an 6 attachment. It's Bates-numbered KSA936 7 through 937. 8 I'm going to ask you about the 9 attachment, which is at 937, and I'll bring 10 it up on the screen and enlarge it. 11 The attachment is an excerpt 12 from the executive regulations of the civil 13 services that includes Article 29/1 14 through 29/7 as they were in effect at that 15 time. 16 Have you seen these regulations 17 before? 18 A. If it was related to civil 19 services, it must have been shown to me 20 before. 21 Q. When we were looking at some of 22 the earlier correspondence, you said that 23 your role in the process of approving a 24 secondment was limited to determining whether 25 the secondment was legally justified.</p> | <p style="text-align: right;">Page 360</p> <p>1 make it as large as I can. 2 A. Yeah, please enlarge it as much 3 as you can. 4 Q. This is a letter from the 5 President, Civil Aviation, Mr. Khalaf, and 6 it's directed to the Assistant Minister of 7 Defense and Aviation. 8 And if you look at the end of 9 this large paragraph here -- I'll put a box 10 around it -- it says, "Since this secondment 11 does not affect the progress of work in 12 reference to Article 29/4 of the civil 13 service regulation, which allows extending 14 the secondment of an employee for a period or 15 periods not exceeding one year each, and 16 since this matter falls under Your 17 Excellency's authorities..." 18 And then Dr. Khalaf goes on to 19 request that the secondment extension be 20 approved. 21 Does that refresh your 22 recollection -- well, I should say, have you 23 seen this document before? This letter? 24 A. I don't know now if this is a 25 picture or an official signature. If you</p> |

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| <p style="text-align: right;">Page 361</p> <p>1 scroll up a bit, I could look at the bottom 2 and see if there is an official signature. 3 This is from the head of the 4 Civil Aviation Presidency, submitted to the 5 Assistant Minister of Defense, which means 6 that he already approved it, because the one 7 with whom lies right to make the approval 8 decision would be the assistant minister. 9 So this memo was -- this memo 10 was prepared by the human resources, and I 11 see there initials, not including mine. But 12 it is clear that it came from human 13 resources. 14 So they submitted that memo 15 through the head of the PCA at that time to 16 the assistant minister. 17 And if we look in the bottom, 18 you will see that a copy was to be given to 19 Dallah Avco, another to the director general 20 of Airways Engineering, and the third to the 21 employees affairs director. 22 Q. Thank you, Mr. Anqari. 23 Given that human resources 24 prepared this memo, or this letter, which 25 attaches these regulations, does that tell</p> | <p style="text-align: right;">Page 363</p> <p>1 memo was submitted to the minister, because 2 Mr. Bayoumi was in a rank lower than 11. He 3 was a rank 8. 4 Q. Thank you, Mr. Anqari. I 5 appreciate you providing all that 6 information. 7 But I'd like to follow up on, 8 and I don't want you to get too far ahead, so 9 I apologize. 10 You mentioned that under this 11 article, a government agency can second a 12 government employee to a private company, 13 among other entities. 14 What are some of the reasons 15 that a government agency might decide to 16 second a government employee to a private 17 company? 18 MR. CARTER: Eric, are you 19 asking generally or under this 20 contract or the PCA? 21 MR. NITZ: Generally under 22 Article 29, what are the reasons that 23 a -- a government agency might second 24 a government employee. And obviously 25 that's within Mr. Anqari's personal</p> |
| <p style="text-align: right;">Page 362</p> <p>1 you that these are the regulations human 2 resources would look toward in determining 3 whether a secondment request was legally 4 justified? 5 A. If we go back to Article 29, 6 like I told you, this is the law, the system, 7 which would come with bylaws which would 8 detail -- which would be more detailed. 9 So this Article 29 emphasizes 10 what I said earlier to these gentlemen, 11 attorneys, yesterday and today, which is that 12 the civil service system allows the 13 secondment of an employee to governmental 14 agencies or private agencies, local or 15 international organizations as well. 16 And the secondment of an 17 employee would come by the approval of the 18 minister in charge if the employee was below 19 the rank 11. 20 If by -- as per Article 29/1, 21 if the employee was above rank 11, the 22 approval would have to come from the head of 23 civil service. 24 Q. Mr. Anqari -- 25 A. That's why -- that's why this</p> | <p style="text-align: right;">Page 364</p> <p>1 knowledge. 2 MR. CARTER: Objection. 3 Foundation. 4 THE WITNESS: Executed not only 5 for private companies. Could be for 6 international organization or 7 governmental agency. 8 Usually -- the way it works 9 usually is that the company that seeks 10 the services of the employee would 11 request the secondment from the 12 governmental agency where he works. 13 And if that request was justified, it 14 would be approved. 15 QUESTIONS BY MR. NITZ: 16 Q. Would it be permissible for a 17 government agency like the PCA to second an 18 employee to a private company in order to 19 enhance that employee's job skills? 20 MR. CARTER: Can I just note a 21 continuing objection to the use of the 22 term "agency"? 23 THE WITNESS: May I answer? 24 QUESTIONS BY MR. NITZ: 25 Q. You can answer.</p> |

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| <p style="text-align: right;">Page 365</p> <p>1 A. Usually when an entity request 2 a secondment of the employee, it means that 3 it is in need for his services. But it would 4 be up to that company itself to help enhance 5 the skills of that employee or not, if 6 agrees. 7 Q. If secondment is an opportunity 8 for an employee to enhance his job skills, 9 would that be a benefit to the governmental 10 entity when he returns to government work? 11 MR. CARTER: Objection. Form. 12 QUESTIONS BY MR. NITZ: 13 Q. You can answer. 14 A. I don't understand the purpose 15 of the question to answer. 16 Q. I'll try it a different way. 17 If an employee is seconded to a 18 private company and in the course of the 19 secondment improves his job skills or 20 ability, would that be a benefit to the 21 government when he returns to the civil 22 service at the end of his secondment? 23 A. It would be a benefit for the 24 employee himself, first, and his workplace 25 could also benefit from that. That's a</p> | <p style="text-align: right;">Page 367</p> <p>1 seconded. Does this note amending 2 Article 29/4 refresh your recollection on 3 what that -- what that term limit would be? 4 A. Okay. If you please let me 5 repeat what I said yesterday, what I said 6 yesterday was that to my knowledge the 7 maximum was four years. But this is -- this 8 is an amendment. That's something that was 9 added later, which limits the period to that 10 period. 11 Q. So in 1999, the time limit for 12 a secondment was five years, according to the 13 regulations that we have up here; is that 14 correct? 15 A. Yes, the amended ones, yes. 16 That's why I said yesterday -- 17 that's why I said yesterday that to my 18 knowledge the maximum period was four years. 19 But I lost contact with -- or lost touch with 20 the amendments because I probably stopped 21 working in that regard. 22 Q. We've spoken a bit about 23 educational leave. 24 Does educational leave advance 25 the policy goals of Saudization?</p> |
| <p style="text-align: right;">Page 366</p> <p>1 possibility. 2 For example, if I second an 3 employee to an international organization 4 like the ICOW or the airport council, that 5 employee would acquire international 6 expertise which would benefit him and benefit 7 us when he returns to his job. 8 Q. Thank you. 9 I'd like you to take a look at 10 note 1 at the bottom of the regulation here, 11 and I'll try to make it as big as I can. 12 Toward the bottom half of that 13 note, it states that "Article 29/4 of the 14 executive regulations of the Civil Service 15 Act were amended to become," and then it has 16 point A, and it says, "The term of the 17 secondment may not exceed one year and may be 18 extended by the competent authority for one 19 or more terms, not exceeding one year each, 20 with the overall term of the secondment not 21 exceeding five years under any 22 circumstances." 23 My question is: Earlier you 24 were asked if there was a limit on the number 25 of years a government employee could be</p> | <p style="text-align: right;">Page 368</p> <p>1 MR. CARTER: Objection. 2 THE WITNESS: You mean 3 educational leave for employee to 4 develop his own skills, for example? 5 QUESTIONS BY MR. NITZ: 6 Q. The educational leave that 7 we've been discussing, that is reflected in 8 the various letters and correspondence and 9 that Mr. Al-Bayoumi requested in 2000. 10 MR. CARTER: Objection. 11 MS. FLOWERS: Objection. Lack 12 of foundation. 13 QUESTIONS BY MR. NITZ: 14 Q. Does that policy advance the 15 goals of Saudization? 16 MR. CARTER: Objection. 17 THE WITNESS: The educational 18 leave taken by that employee or any 19 other employee would develop his own 20 skills. It is not about the 21 Saudization. 22 Bayoumi was a governmental 23 employee, you know that, the one we 24 are discussing, and he was seconded at 25 the time to Dallah company.</p> |

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| <p style="text-align: right;">Page 369</p> <p>1 When we say "Saudization," we</p> <p>2 mean by that a Saudi young man or a</p> <p>3 young woman who happened to have</p> <p>4 qualifications but no job. In that</p> <p>5 case, they will have priority to get</p> <p>6 the job over non-Saudis.</p> <p>7 QUESTIONS BY MR. NITZ:</p> <p>8 Q. Is part of Saudization</p> <p>9 increasing the qualifications of Saudi</p> <p>10 Arabian nationals so that they can fill jobs</p> <p>11 that are currently being held by non-Saudis?</p> <p>12 MR. CARTER: Objection.</p> <p>13 THE WITNESS: Please allow me</p> <p>14 to explain. My understanding of</p> <p>15 Saudization is that it is confined to</p> <p>16 providing Saudi citizens with jobs.</p> <p>17 That's my understanding of</p> <p>18 Saudization.</p> <p>19 (Anqari Exhibit 396 marked for</p> <p>20 identification.)</p> <p>21 QUESTIONS BY MR. NITZ:</p> <p>22 Q. Okay. Thank you.</p> <p>23 Robert, could we please mark as</p> <p>24 Exhibit 396 Article 28 of the civil service</p> <p>25 regulation?</p> | <p style="text-align: right;">Page 371</p> <p>1 interpreter. It should be the other</p> <p>2 around way, one checker and two or</p> <p>3 three interpreters.</p> <p>4 MR. SHEN: Would you like to</p> <p>5 take a break now?</p> <p>6 INTERPRETER: Yes. Yes.</p> <p>7 Please.</p> <p>8 MR. SHEN: Let's take ten</p> <p>9 minutes.</p> <p>10 VIDEOGRAPHER: We're going off</p> <p>11 record. The time, 1:55.</p> <p>12 (Off the record at 1:55 p.m.)</p> <p>13 VIDEOGRAPHER: We're going back</p> <p>14 on record. The time is 2:05.</p> <p>15 MR. NITZ: Thank you.</p> <p>16 Before we get back into the</p> <p>17 questions, I had one issue with the</p> <p>18 exhibit to clear up.</p> <p>19 So Exhibit 393 was Section 3 of</p> <p>20 the ANSS contract, or an excerpt from</p> <p>21 it. And then I skipped to</p> <p>22 Exhibit 395, so there was no</p> <p>23 number 394.</p> <p>24 But what I'd like to do, if</p> <p>25 nobody has any objection, is I'm not</p> |
| <p style="text-align: right;">Page 370</p> <p>1 INTERPRETER: Are we taking a</p> <p>2 lunch break today?</p> <p>3 MR. NITZ: It's up to you,</p> <p>4 Andy. It's up to you and Mr. Anqari.</p> <p>5 I'm fine to keep going.</p> <p>6 MR. SHEN: How much more do you</p> <p>7 have, Eric?</p> <p>8 MR. NITZ: Maybe a half hour,</p> <p>9 45 minutes.</p> <p>10 MR. SHEN: All right. I don't</p> <p>11 have very much at all after that. So</p> <p>12 if you need a break, let's take a</p> <p>13 short break, and then we can wrap it</p> <p>14 up or we can keep going.</p> <p>15 How are you doing, Interpreter?</p> <p>16 INTERPRETER: Very tired.</p> <p>17 MR. SHEN: Okay. Do you need a</p> <p>18 break now?</p> <p>19 INTERPRETER: This is a job of</p> <p>20 two or three or interpreters, by the</p> <p>21 way, taking turns, and my colleagues</p> <p>22 could confirm that.</p> <p>23 MR. SHEN: Sure.</p> <p>24 INTERPRETER: I see two or</p> <p>25 three checkers and one actual</p> | <p style="text-align: right;">Page 372</p> <p>1 going to ask you any questions about</p> <p>2 it, but as Exhibit 394, I'd like to</p> <p>3 introduce a document. It's attachment</p> <p>4 D to Section 3 of the financial</p> <p>5 conditions. The English version is</p> <p>6 Bates-numbered KSA2158 through 2176,</p> <p>7 and the Arabic is KSA1910</p> <p>8 through 1920.</p> <p>9 And what that is is just the</p> <p>10 section that's referenced in</p> <p>11 Article 3-2-1-1 of Exhibit 393. And</p> <p>12 that will keep our numbering in sync.</p> <p>13 MR. HAEFELE: Why don't you</p> <p>14 fire your tech, Eric.</p> <p>15 MR. NITZ: All right. So I</p> <p>16 believe right before we were about to</p> <p>17 break, I had put up Article 28 of the</p> <p>18 civil service regulations, and I will</p> <p>19 return that to the screen.</p> <p>20 MR. HAEFELE: Do you have a</p> <p>21 translation of this document?</p> <p>22 MR. NITZ: Yeah. The</p> <p>23 translation should be at the end. So</p> <p>24 if you scroll down to what's -- so</p> <p>25 this has been marked as Exhibit 396.</p> |

43 (Pages 369 to 372)

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| <p style="text-align: right;">Page 373</p> <p>1 If you scroll down, there should be a</p> <p>2 translation at the end.</p> <p>3 (Angari Exhibit 394 marked for</p> <p>4 identification.)</p> <p>5 QUESTIONS BY MR. NITZ:</p> <p>6 Q. Mr. Anqari, from the cover</p> <p>7 here, do you recognize this as Article 28 of</p> <p>8 the civil service regulations?</p> <p>9 A. Could you make it bigger,</p> <p>10 please?</p> <p>11 Q. Yes.</p> <p>12 A. I trust the gentleman, the</p> <p>13 lady, who put this on the screen as -- as to</p> <p>14 be the Article 28 from the civil service</p> <p>15 system, but let's read it together.</p> <p>16 Q. So the cover here, at the top</p> <p>17 it reads, "Article 28," and then it says,</p> <p>18 "The regulation specifies the types,</p> <p>19 durations, terms and conditions for going on</p> <p>20 leave, as well as the periods of absence that</p> <p>21 the employee is entitled to or authorized</p> <p>22 for."</p> <p>23 And then it goes on, "This</p> <p>24 article, which is set forth in the Civil</p> <p>25 Service Law, promulgated Royal Decree Number</p> | <p style="text-align: right;">Page 375</p> <p>1 this regulation requires the major to be</p> <p>2 relevant to the work of the authority wherein</p> <p>3 the employee works?</p> <p>4 MR. CARTER: Objection.</p> <p>5 THE WITNESS: With due respect,</p> <p>6 let's go back to the provision of the</p> <p>7 article. In Arabic, it says yajuz,</p> <p>8 which is spelled y-a-j-o-u-z {sic},</p> <p>9 not -- not the yjb, y-a-j-e-b {sic},</p> <p>10 which means in English "may," not</p> <p>11 "must."</p> <p>12 Here it's talking about an</p> <p>13 employee in service. It says that</p> <p>14 provided that he holds high school</p> <p>15 diploma or its equivalent, the subject</p> <p>16 of studies, or the major, must have --</p> <p>17 to be related to the work he does.</p> <p>18 Let me -- let me clarify one</p> <p>19 more thing. It's here discussing --</p> <p>20 it is discussing here an official</p> <p>21 employee, an employee in actual</p> <p>22 service.</p> <p>23 QUESTIONS BY MR. NITZ:</p> <p>24 Q. Okay. And why does the</p> <p>25 regulation impose the requirement that the</p> |
| <p style="text-align: right;">Page 374</p> <p>1 M49, dated 10/7/1397 A.H. and the articles</p> <p>2 that explain it, which are contained in the</p> <p>3 executive regulations of the Civil Service</p> <p>4 Law and were issued in the Civil Service</p> <p>5 Council's decision number 1 on 7/27/1397."</p> <p>6 INTERPRETER: Yes, Counsel.</p> <p>7 QUESTIONS BY MR. NITZ:</p> <p>8 Q. Does that tell you, Mr. Anqari,</p> <p>9 that this is Article 28 of the Civil Service</p> <p>10 Law and the civil service regulations?</p> <p>11 A. As I mentioned, I trust your</p> <p>12 presentation that this page is taken from the</p> <p>13 Civil Service Law, but let's read it</p> <p>14 together.</p> <p>15 Q. All right. Well, let's take a</p> <p>16 look at Article 28/19.</p> <p>17 Now, this article is entitled,</p> <p>18 "Educational leave." It says, "An employee</p> <p>19 may be granted educational leave without pay</p> <p>20 if he holds a high school diploma or its</p> <p>21 equivalent, provided that he has spent three</p> <p>22 years in service with a job evaluation of at</p> <p>23 least good, his major is relevant to the work</p> <p>24 of the authority wherein he works."</p> <p>25 Mr. Anqari, do you know why</p> | <p style="text-align: right;">Page 376</p> <p>1 subject of the studies, or the major, be</p> <p>2 related to the work that the employee does?</p> <p>3 A. So that he can benefit -- so</p> <p>4 that he can benefit from his studies when he</p> <p>5 returns to work, if the government permits</p> <p>6 him the leave to study.</p> <p>7 Q. Does that requirement indicate</p> <p>8 to you that --</p> <p>9 A. Please allow me -- please allow</p> <p>10 me to give you an example to make the picture</p> <p>11 clear.</p> <p>12 If an employee worked in a</p> <p>13 clerical job -- if an employee was a clerical</p> <p>14 employee in the incoming and outgoing, and he</p> <p>15 wants to go study in a different major, let's</p> <p>16 say as a veterinary, obviously there is no</p> <p>17 relevance between the job that he performs</p> <p>18 and that major that he seeks.</p> <p>19 So if I happen to have an</p> <p>20 employee in the Civil Aviation who holds a</p> <p>21 high school diploma and wants to travel to</p> <p>22 study veterinary science, that employee</p> <p>23 doesn't belong in our organization to begin</p> <p>24 with.</p> <p>25 This is a clarification for</p> |

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| <p style="text-align: right;">Page 377</p> <p>1 paragraph 2. 2 Q. Thank you. 3 I'd like to look at now one of 4 the exhibits we looked at yesterday. This is 5 Exhibit 371. This is the request for 6 modification and/or authorization of 7 contract/agreement. It is dated 1995 in the 8 Gregorian calendar. 9 Mr. Anqari, do you remember 10 looking at this document yesterday? 11 A. When it was shown to me 12 yesterday, I testified that I had not seen 13 this document before and that it belongs to 14 airways. And, therefore, they would be the 15 ones entitled to talk about it, not me. 16 That's why I cannot comment on 17 it. 18 Q. Okay. Well, I have just a few 19 quick questions that I hope you might be able 20 to help me with, and so I hope you'll hear me 21 out. 22 I would like to direct your 23 attention to the box here that's labeled 24 "Task/Department." And it's in English on 25 the left-hand side, and then I believe</p> | <p style="text-align: right;">Page 379</p> <p>1 I'm not -- tell its content. 2 So this is a responsibility for 3 those who prepared it and those were the ones 4 of supervising the contract, and they were 5 the Civil Aviation. 6 Q. Okay. The task/department box 7 on this document, in the English side it has 8 the letters JED. And I believe you told us 9 yesterday that in Arabic, what's written in 10 that box is "Jeddah sector." 11 Is that correct? 12 A. Yes, this -- Jeddah sector is 13 written there, and that means that where he 14 worked was Jeddah. 15 Q. Do you know whether Jeddah 16 sector is a department within Airways 17 Engineering? 18 A. A sector within the Airways 19 Engineering. There are technicians that 20 exist in other sectors airways, like in 21 Riyadh or Dammam, things like that. 22 Technicians. 23 Q. Are there departments within 24 Airways Engineering that are -- actually, 25 strike that question.</p> |
| <p style="text-align: right;">Page 378</p> <p>1 there's a corresponding box in Arabic on the 2 right-hand side of the document. 3 Do you know what ANSS project 4 had different departments? 5 A. Would you make it larger, 6 please? 7 Q. Sure. 8 A. This highlighted part? 9 Q. Yes. If you could look at the 10 box that's labeled "Task/Department," it's -- 11 on the left-hand side it's in English, and 12 on the right-hand side, I believe, is in Arabic. 13 There's a corresponding box. 14 And my question is: Do you 15 know whether the ANSS project had different 16 departments? 17 A. You mean departments or jobs? 18 Q. Departments. Were there 19 different departments with the ANSS project? 20 A. The different departments were 21 depicted within the Civil Aviation as part of 22 its organization. 23 And this was shown to me 24 yesterday, and I said I could not comment on 25 it because I had not seen it before and that</p> | <p style="text-align: right;">Page 380</p> <p>1 If Airways Engineering 2 headquarters needed to send an employee who 3 was assigned to Jeddah sector overseas for 4 some assignment, are you aware of any Saudi 5 law or regulation that would prohibit that? 6 A. When the assignment -- this 7 assignment could be at the expense of Civil 8 Aviation within a government-sponsored 9 program. That would be known to us. 10 Q. So nothing prohibits Airways 11 Engineering from assigning an employee 12 assigned to Jeddah sector overseas for some 13 job-related purpose; is that correct? 14 A. How could he be sent by the 15 Airways Engineering if he was not working for 16 government entity? 17 If the person is seconded to a 18 certain entity and that entity wishes to send 19 him for a scholarship, I wouldn't know about 20 that. 21 Q. I'd like to pull up another 22 exhibit that we looked at yesterday. This is 23 Exhibit 372, Bates-numbered KSA1031. I'll 24 put the Arabic up here for you. 25 And the subject line --</p> |

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| <p style="text-align: right;">Page 381</p> <p>1 A. Could you make it large, 2 please? 3 Q. Sure. I'll focus in. 4 I'd like you to take a look at 5 the subject line, which I believe I have up 6 there. The subject line references a request 7 of Dallah Avco company to approve the 8 secondment of employee Omar Ahmed Al-Bayoumi. 9 INTERPRETER: Yes, Counsel. 10 QUESTIONS BY MR. NITZ: 11 Q. Mr. Anqari, do you have 12 personal knowledge of why Dallah Avco 13 requested Al-Bayoumi's secondment? 14 A. No. Personal, no. 15 Q. Do you know what -- 16 A. Because he worked for the 17 airways sector, and that's why I wouldn't 18 know. 19 I don't know why the Dallah 20 company requested his secondment. Perhaps 21 they needed him. It is totally clear that 22 they needed the services. 23 Q. And when you say, "It's totally 24 clear that they needed his services," you're 25 referencing -- you're making that statement</p> | <p style="text-align: right;">Page 383</p> <p>1 Q. Do you know whether any 2 employee of the ANSS project asked Dallah 3 Avco to make the request? 4 A. What I know is that the request 5 came from Dallah for person who was employed 6 by the airways, was submitted to the human 7 resources, and from the human resources it 8 was submitted to the person entitled to make 9 a decision of that nature. That's what I 10 know. 11 But I don't know any person in 12 particular who may have spoken to Dallah. 13 Q. Okay. Thank you. 14 A. No problem. 15 Q. And the next document I'd like 16 to pull up is another exhibit from yesterday. 17 It's Exhibit 374. 18 A. Please proceed. Go right 19 ahead. 20 Q. This is Bates-numbered KSA4466. 21 It's a 1997 letter that Mr. Jastaniyah, the 22 director of human resources, sent to 23 Mr. Al-Salmi at Airways Engineering. 24 Mr. Anqari, do you remember 25 looking at this document yesterday?</p> |
| <p style="text-align: right;">Page 382</p> <p>1 based off of what's in this letter, correct? 2 A. Based on the request of Dallah 3 company, meaning that -- meaning that -- 4 meaning that it was not the PCA who took the 5 initiative of seconding him. As it says 6 here, it was the request of Dallah company to 7 second his services. 8 Q. Do you know whether someone 9 else asked Dallah Avco to make the request? 10 A. Someone like who? 11 Q. Do you know whether Al-Salmi at 12 the PCA asked Dallah Avco to submit the 13 request? 14 A. I don't know. 15 Al-Salmi was in charge of 16 running that contract. That's what I know, 17 only. Meaning that the airways -- meaning 18 that the airways would be responsible for the 19 implementation of this contract. Whether he 20 made that request or not, I wouldn't know. 21 Q. Okay. Do you know whether 22 anyone else at the PCA asked Dallah Avco to 23 make the request? 24 A. No, I don't know about that 25 matter.</p> | <p style="text-align: right;">Page 384</p> <p>1 A. What the human resources 2 director was requesting to extend the 3 secondment of that employee, Omar Bayoumi. 4 So I had some questions to ask, 5 and these questions were conveyed to his 6 sector. 7 Q. And I'd like to ask you myself 8 about the questions that are listed there. 9 So Mr. Jastaniyah writes that 10 these questions are things that the deputy 11 president of Civil Aviation wants to know. 12 And I believe you said 13 yesterday that that was a reference to you, 14 correct? 15 So your second question reads, 16 "What are the reasons for his stay in the 17 USA? For completing study or other reasons?" 18 Why did you want to know the 19 answer to that question? 20 A. Because I was mindless of the 21 reasons he remained in America. I wanted to 22 know. That's why I asked. 23 If I had knowledge that he was 24 studying in America, I wouldn't have asked 25 that question.</p> |

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| <p style="text-align: right;">Page 385</p> <p>1 Q. Your third question reads, 2 "What is the type of study, major and 3 qualification which he wants to obtain, and 4 when will he be done?" 5 Why did you want to know that 6 information? 7 A. Because I wanted to know the 8 situation, the full situation, of the man. I 9 was given incomplete information. 10 And I also -- and I also had a 11 fourth question. I also -- I also had the 12 fourth question: Does he have the desire to 13 continue working in the job after his return 14 or will leave work? 15 These were general questions. 16 And I'd like you to look again 17 at Question Number 1: What are the reasons 18 that will justify his request for secondment 19 extension for the third time? 20 That means that I have no 21 knowledge whatsoever about his situation. 22 The sector for which that 23 employee worked may have more knowledge about 24 that than me since he worked for them. 25 Q. Let's take a look at</p> | <p style="text-align: right;">Page 387</p> <p>1 Airways Engineering would have asked before 2 me what veterinary science had to do with 3 finance. 4 So please allow me to -- this 5 hypothetical question is not logical. 6 Q. So you would have expected any 7 education that Mr. Al-Bayoumi was pursuing to 8 be related to his work at the PCA, correct? 9 A. This is a general concept that 10 covers Bayoumi and other people. And this 11 was a clarification from the airways to the 12 human -- to the employee affairs acting 13 director. 14 And the role of the human 15 resources was to study this with the sector 16 for which that employee worked. And if he 17 qualified, I wonder what would be the reason 18 to say -- to deny the request. 19 Was obliged to distinguish 20 between two things. If the scholarship was 21 at the expense of the government, then they 22 would have -- you would have to stop the 23 secondment. Otherwise -- and if the expenses 24 were to be borne by another entity, then the 25 matter would be up to that other entity, not</p> |
| <p style="text-align: right;">Page 386</p> <p>1 Exhibit 375, the response that Mr. Al-Salmi 2 sent to Mr. Jastaniyah answering those 3 questions. 4 If we look at Mr. Al-Salmi's 5 response to question 3, he writes, "The type 6 of study currently pursued by the said 7 person: Preparation study to get the 8 master's degree in business administration 9 and studies in financial management." 10 Was that -- strike that. I'll 11 start over. 12 In your opinion, was that a 13 permissible course of study for an Airways 14 Engineering employee in Mr. Al-Bayoumi's line 15 of work to be pursuing? 16 A. What was his job at the Airways 17 Engineering? An accountant. So it suits the 18 financial department. 19 Q. If Mr. Al-Salmi had written 20 back to Mr. Jastaniyah that Mr. Al Bayoumi 21 was pursuing coursework, to use your example, 22 in veterinary sciences, would you have 23 recommended that Mr. Al-Bayoumi's secondment 24 be extended? 25 A. I believe that Al-Salmi at the</p> | <p style="text-align: right;">Page 388</p> <p>1 the PCA. 2 MR. NITZ: Okay. I have just a 3 few more questions. Could we take a 4 quick five-minute break, and then I 5 expect it won't be that much more when 6 we come back? Is that all right? 7 MR. SHEN: Eric, it's getting 8 quite late in Saudi Arabia. How much 9 more do you have? 10 MR. NITZ: I expect I'll be 11 able to get through the last set of 12 questions in like four or five 13 minutes. I just need a couple minutes 14 to make sure I hit everything that I 15 wanted to hit and then finish up. 16 I certainly don't want to keep 17 the witness up any later than he's 18 already been up or than is necessary. 19 MR. SHEN: All right. We'll 20 come back in five minutes. 21 MR. NITZ: Okay. 22 VIDEOGRAPHER: Going off 23 record. The time is 2:43. 24 (Off the record at 2:43 p.m.) 25 VIDEOGRAPHER: We're going back</p> |

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| <p style="text-align: right;">Page 389</p> <p>1 on record. The time is 2:52. 2 QUESTIONS BY MR. NITZ: 3 Q. Thank you. 4 Mr. Anqari, I have what I hope 5 will just be a quick few yes or no questions 6 for you. 7 A. Thank you, sir. 8 Q. From 1993 until 2002, did you 9 at any point have reason to believe that 10 Mr. Al-Bayoumi's educational studies were, in 11 fact, a sham to conceal support for unlawful 12 activity? 13 MR. HAEFELE: Objection. 14 QUESTIONS BY MR. NITZ: 15 Q. You can answer. 16 A. I didn't understand the 17 question. 18 INTERPRETER: Could the 19 interpreter just repeat the question 20 to the witness? 21 THE WITNESS: I don't know 22 anything about Omar Bayoumi or his 23 studies, to answer this question. I 24 didn't know anything. 25</p> | <p style="text-align: right;">Page 391</p> <p>1 Mr. Carter this morning about the 2 requirements that apply if a PCA employee is 3 seconded and then pursues educational 4 opportunities. 5 I'll let the translator go. 6 INTERPRETER: You can finish, 7 Mr. Shen. 8 QUESTIONS BY MR. SHEN: 9 Q. And you testified that if an 10 employee is seconded and the PCA pays the 11 educational fees for that employee directly, 12 the secondment would need to end before the 13 employee pursues their education. 14 Do you recall that? 15 MR. CARTER: Objection. 16 THE WITNESS: The employee -- 17 shall I answer? 18 QUESTIONS BY MR. SHEN: 19 Q. Yes. 20 A. An employee who is sent on a 21 scholarship by the PCA while being seconded, 22 the secondment should stop and be returned to 23 the PCA. 24 Q. All right. 25 A. But if he went to another</p> |
| <p style="text-align: right;">Page 390</p> <p>1 QUESTIONS BY MR. NITZ: 2 Q. Between 1993 and 2002, did you 3 personally, at any point, ever tell anyone at 4 Dallah Avco that Mr. Al-Bayoumi's educational 5 studies were a sham to conceal unlawful 6 activity? 7 MR. HAEFELE: Objection. 8 THE WITNESS: That never 9 happened. I never spoke with anyone 10 from Dallah about that subject. 11 MR. NITZ: Thank you. That's 12 all I have. 13 MR. SHEN: All right. I assume 14 that there's no one else with 15 questions on the defense side? 16 All right. I have a few 17 questions. 18 CROSS-EXAMINATION 19 QUESTIONS BY MR. SHEN: 20 Q. For the record, this is Andy 21 Shen from Kellogg Hansen. I represent the 22 Kingdom of Saudi Arabia. 23 Mr. Anqari, I just have one or 24 two quick questions for you. 25 You were asked questions by</p> | <p style="text-align: right;">Page 392</p> <p>1 entity as seconded and that other entity is 2 the one that pays his salary, I wouldn't know 3 about it. 4 Q. All right. And so if an 5 employee is seconded to another entity and 6 that other entity pays for the employee's 7 education, the secondment would not need to 8 end first; is that correct? 9 MR. CARTER: Objection. 10 Foundation. 11 THE WITNESS: That would be up 12 to the entity to which the employee 13 was seconded. 14 MR. SHEN: I have no further 15 questions. 16 Plaintiffs? 17 MR. CARTER: Andy, can you just 18 give us about two minutes to 19 consolidate any questions and then 20 finish it quickly? 21 MR. SHEN: Sure. 22 MR. CARTER: Okay. Thanks. 23 VIDEOGRAPHER: We're going off 24 record. The time is 2:58. 25 (Off the record at 2:58 p.m.)</p> |

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

Civil Action No. 03 MDL 1570 (GBD) (SN)
ECF Case

This document relates to:

All cases

**ERRATA SHEET FOR THE DEPOSITION OF ABDUL AZIZ AL-ANGARI
(JANUARY 13-14, 2021)**

| Page and Line | Current Text | Revised Text | Reason |
|----------------------|---|---|---------------------|
| All instances | al-Anqari | al-Angari | Clarification |
| 13:16 | Cornell University | Colorado University | Transcription Error |
| 13:18 | MBA | MPA | Transcription Error |
| 13:22 | MBA | MPA | Transcription Error |
| 14:16-17 | Yes, I see my name and my work translated | Yes, I see my name and my work place translated | Clarification |
| 14:24 | by the leave of | by the name of | Transcription Error |
| 15:25 | Khalaf | Ali al-Khalaf | Clarification |
| 16:1 | Khalaf | al-Khalaf | Transcription Error |
| 16:3 | Khalaf | al-Khalaf | Transcription Error |
| 16:6-7 | I don't remember exactly when he ended or what he does now. | I don't remember exactly when he came or when he ended or what he does now. | Clarification |
| 21:15 | officer | executive | Clarification |
| 25:21 | employee to | employee from | Clarification |
| 25:21 | employee to one department to another | an employee from one department to another | Clarification |

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|-----------|---|---|---------------------|
| 27:11 | Salmi | al-Salmi | Transcription Error |
| 28:2-3 | employees enjoy good efficiency and financial expertise | employees have good efficiency and financial experience | Clarification |
| 29:15 | Civil Aviation | Airways Engineering | Clarification |
| 34:3 | answer questions about in this | answer questions about this | Clarification |
| 36:8 | PSA | PCA | Clarification |
| 43:22-23 | Al-Salmi work in civil navigation | Al-Salmi worked in Saudi Navigation Company | Correction |
| 44:7 | -- | SANS | Transcription Error |
| 57:22 | auxiliary | support | Clarification |
| 58:23 | quality control | Air Standards | Correction |
| 59:17 | aviation, Civil Aviation Presidency | Civil Aviation Presidency | Clarification |
| 59:20 | airports | aircrafts | Clarification |
| 59:22 | navigation | traffic | Clarification |
| 60:2 | stores renting | real estate or services | Clarification |
| 60:3 | Presidency. | Presidency's responsibility. | Clarification |
| 60:25 | regulation | structure | Clarification |
| 64:5 | Khalaf's | al-Khalaf's | Transcription Error |
| 83:17 | mostly is | mostly is not | Transcription Error |
| 95:15 | human resources | human resources and finance and engineering | Clarification |
| 95:22 | for the CP | for the | Clarification |
| 105:3 | Department of Civil Aviation, civil | Presidency of Civil Aviation, Air | Clarification |
| 105:15 | Supervisor | I do not know who the Supervisor | Transcription Error |
| 107:13-14 | any information | any | Transcription Error |
| 109:2 | internal | employee | Clarification |
| 109:9 | It | He | Clarification |

| | | | |
|-----------|---|--|---------------------------|
| 187:5 | for employee appointed by the government. | for an employee appointed by the government. | Clarification |
| 195:8-9 | how could we communicate about this. | how could we communicate on that? | Transcription Error |
| 215:10 | would | toward | Transcription Error |
| 215:12 | government | semi-government | Translation Error |
| 215:17-18 | I don't recall, but it | I don't recall now | Clarification |
| 215:24 | Authority | General Authority | Translation Clarification |
| 216:2 | Authority | General Authority | Translation Clarification |
| 216:24 | Civil Aviation | Civil Aviation in KSA | Clarification |
| 217:5 | Yes. Yes. | Yes. | Clarification |
| 217:13 | of | in | Clarification |
| 217:16 | aviation | of the aviation sector | Clarification |
| 217:17 | navigation | navigation only | Clarification |
| 217:24 | organization | organizational chart | Clarification |
| 218:1 | has | has its | Transcription Error |
| 218:4 | an | its | Transcription Error |
| 218:5 | an | its | Transcription Error |
| 218:6-7 | for Civil Aviation organization | for | Clarification |
| 218:14 | And every | Yes. And every | Clarification |
| 219:23 | Under supervision was | Under my supervision were | Transcription Error |
| 220:2 | for the authority | authority | Clarification |
| 220:18 | would make the choices of | prepared | Clarification |
| 220:21 | with | and | Clarification |
| 220:25 | auditor would review – the auditor | auditors would review – the auditors | Clarification |
| 221:4-6 | sent to the auditor of the finance department – finance ministry to | sent to the review of the department of auditors from the finance ministry | Clarification |
| 221:7 | payment. | payment. Then we sent them to the Ministry of | Clarification |

| | | | |
|-----------|---|---|-----------------------------------|
| | | Finance to pay the payment. | |
| 221:10 | discussion | discussion to the sectors | Clarification |
| 221:16 | were responsible | The finance auditors were responsible | Clarification |
| 221:1 | They would report | They report | Clarification |
| 222:25 | did payrolls | prepares that payroll | Clarification |
| 223:10 | But not for contractors. Not | Yes, but not | Clarification |
| 223:20-21 | contracts of -- official leaves of PCA, | secondments of PCA employees | Clarification |
| 224:12 | here | was there | Transcription Error |
| 224:13 | we | they | Clarification |
| 224:17 | we have | Airways had | Clarification |
| 224:22 | person there | person's name there | Clarification |
| 225:6-7 | persons -- there were people who were | persons | Clarification |
| 226:6 | analyst | specialist | Clarification |
| 226:7 | who -- | who could recommend forming a committee | Clarification/Transcription Error |
| 226:13 | about control, quality control | about a traffic controller concerning quality control | Clarification |
| 227:2 | official | about a PCA employee | Clarification |
| 227:6 | is | was | Transcription Error |
| 229:8-9 | But later -- but later on it became -- later on it became | But later on it became | Clarification |
| 229:19 | Authority of Civil Aviation | General Authority of Civil Aviation | Clarification |
| 230:17 | The sultan -- I don't think | Prince Sultan -- I don't remember when | Clarification/Transcription Error |
| 231:18 | never | did not | Clarification |
| 232:20-21 | though they were a contractor for the | so they were a contractor | Clarification/Transcription Error |
| 232:23 | of -- with | of | Clarification |
| 233:1 | the airport | airport | Clarification |
| 239:23 | in one calendar year | during the total service | Correction |

| | | | |
|-----------|---------------------------------------|--|----------------------------------|
| 242:18 | Could have been | Take | Clarification |
| 243:5 | is -- | is required | Clarification |
| 243:15 | If -- it | It | Clarification |
| 248:3 | low-level | low-rank | Clarification |
| 248:4 | many | a number of | Clarification |
| 248:17 | the hierarchy | the grade in the hierarchy | Clarification |
| 248:21 | low-level | low-rank | Clarification |
| 248:24 | 15 | Grade 15 | Clarification |
| 249:7 | would be -- could be | would be or could be | Clarification |
| 249:21 | to do | to do with | Clarification |
| 270:7 | gave | told | Clarification |
| 271:20-21 | This is an order created change | This is an order to credit an exchange | Transcription Error |
| 272:6 | The financial procedure so | So | Clarification |
| 272:19 | finance ministry | Ministry of Finance | Clarification |
| 279:6 | countries – {crosstalk} – passed away | countries, if a famous citizen passes away | Clarification |
| 280:1 | interview on the anniversary of | interview on the commemoration of | Translation Error |
| 280:2 | the anniversary | commemoration | Translation Error |
| 280:5 | the anniversary | commemoration | Translation Error |
| 281:23 | that's initiative of the journalist | that's the initiative of the journalist | Transcription Error |
| 282:3 | Highness death | Highness' death | Transcription Error |
| 287:16-17 | him, at school, in | him in | Correction / Transcription Error |
| 308:7 | question | answer | Clarification |
| 310:2 | or | and | Clarification |
| 311:18 | Airways Engineering, air navigation | Airways Engineering | Clarification |
| 314:18 | pilots | air controllers, fire fighter, and navigation technicians. | Correction |

| | | | |
|-----------|--|---|---------------------|
| 315:1 | files | files, and in-and-out documents | Clarification |
| 319:8 | low-level | low-rank | Clarification |
| 320:17-18 | low-level employee. I was in a different level | low-rank employee. I was in an upper rank | Clarification |
| 320:19 | low-level | low-rank | Clarification |
| 322:17 | low-level | low-rank | Clarification |
| 323:10 | low-level | low-rank | Clarification |
| 323:11 | low-level | low-rank | Clarification |
| 328:21 | And | I am | Transcription Error |
| 331:3 | Civil Aviation, and he was employed by | PCA, and he was moved to | Correction |
| 366:4 | ICOW | ICAO | Transcription Error |

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 2021



Abdul Aziz al-Angari